

**JUDGE CHIN****07 CV 3107**

5-638543  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

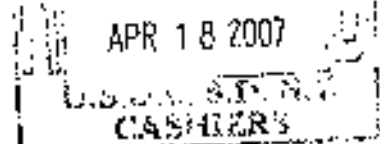
-----X  
MAERSK LINE,

Plaintiff,

- against -

MAMA TROPICAL, INC.,

Defendant.  
-----X



CIVIL COMPLAINT  
IN ADMIRALTY

Plaintiff MAERSK LINE, by its attorneys, LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against defendant MAMA TROPICAL, INC., in personam, in a cause of action civil and maritime, alleges upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq., and Clause 14.4 of the Bill of Lading.

2. At all times hereinafter mentioned, plaintiff MAERSK LINE was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 6000 Carnegie Blvd., Charlotte, NC 28209.

3. Upon information and belief and at all times hereinafter mentioned, defendant had and now has the legal status and place of business as set forth in Schedule A.

4. On or about the dates and at the ports of shipment stated in Schedule A, certain goods were delivered to plaintiff to be carried to the ports of destination and at the agreed charges to be paid by defendant pursuant to plaintiff's published tariff, all as set forth in Schedule A.

5. Thereafter, the goods were carried to the ports of destination and delivered to the defendant and/or its agents.

6. Plaintiff has performed all duties and obligations required to be performed by plaintiff.

7. Defendant has failed and refused and continues to fail and refuse to remit payment of \$7,010.00, although duly demanded.

8. By reason of the foregoing, plaintiff has sustained damages in the amount of \$7,010.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

1. For judgment in the amount of plaintiff's damages, together with interest thereon, costs, disbursements and a reasonable attorney's fee.


2. That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendants citing them to appear and answer all the singular matters aforesaid.

3. That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York  
April 17, 2007

LAW OFFICES OF  
ALBERT J. AVALLONE & ASSOCIATES

By

  
Albert J. Avallone - AA1679  
Attorneys for Plaintiff  
MAERSK LINE  
551 Fifth Avenue, Suite 1625  
New York, NY 10176  
(212) 696-1760

**SCHEDULE A**

**I. Defendant's status & address:**

A. Upon information and belief and at all times hereinafter mentioned, defendant MAMA TROPICAL, INC. was and still is a corporation organized and existing under the laws of the State of New Jersey, with offices and a place of business at 7375 Joseph St., Newark, NJ 07105.

**II. Details of shipment(s):**

1. Bill of Lading No. 800217453, dated March 2, 2007, from Tema to Newark via Algeciras on the Vessel RICKMERS, one (1) forty-foot Refrigerated hi-Cube SAID TO CONTAIN: FRESH YAMS, at the applicable tariff charge of \$7,010.00 (Exhibit A). Defendant's check no. 1797 for \$7,010.00 of March 20, 2007, issued to obtain release of the cargo, was dishonored by the bank due to Insufficient Funds (Exhibit B).

Amount Paid: \$0

Amount Due: \$7,010.00

**III. Total Amount Due: \$7,010.00**



DESTINATION DOC FEE	USD	5M	
FREE OUT CHARGE	GHC	5M	35000.00
REEFER MONITORING	GHC	5M	2830000.00
GOVERNMENT AND PORT TAX	GHC	5M	198240.00

MAERSK INC.

Bank of America  Higher Standards

Bank of America Direct

MAMA TROPICAL INC 40 JOSEPH ST NORWALK, CT 06854-4712		1797
DATE <u>3/22/07</u>		1797
PAY TO THE ORDER OF <u>Maeesh, hira, Jone</u>		\$ <u>7010</u>
<u>Seven Thousand and Ten only</u>		DOLLARS
PNC BANK PNC BANK, N.A. ILD New Jersey		
ON <u>03/22/07</u>		<u>7010</u>
*CC 1797* 0031207607* 0022452442*		*CC00701000*

3  
03/22/07  
4600092925

03/22/07

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## Check Info

Account: 8022452442

Amount: 7,010.00

Check #: 1797

Posted Date: 03/22/2007

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EXHIBIT "A"